

AN ACT

relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The Tenth Amendment to the United States Constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Texas certain powers as they were understood at the time that Texas was admitted to statehood in 1845. The guaranty of those powers is a matter of contract between the state and people of Texas and the United States dating from the time Texas became a state.

(b) The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the constitution and reserves to the people of Texas certain rights as they were understood at the time that Texas became a state. The guaranty of those rights is a matter of contract between the state and people of Texas and the United States dating from the time Texas became a state.

(c) In 2007, the United States Congress passed the Energy Independence and Security Act (Pub. L. No. 110-140). Section 321 of that act bans the sale of certain incandescent light bulbs in the United States beginning in 2012.

(d) The regulation of intrastate commerce is vested in the

1 states under the Ninth and Tenth Amendments to the United States  
2 Constitution if not expressly preempted by federal law. The United  
3 States Congress has not expressly preempted state regulation of  
4 intrastate commerce relating to the manufacture on an intrastate  
5 basis of incandescent light bulbs.

6 (e) The Legislature of the State of Texas declares that an  
7 incandescent light bulb manufactured in Texas, as described by  
8 Chapter 2004, Business & Commerce Code, as added by this Act, that  
9 remains within the borders of Texas:

10 (1) has not traveled in interstate commerce; and

11 (2) is not subject to federal law or federal  
12 regulation, under the authority of the United States Congress to  
13 regulate interstate commerce.

14 SECTION 2. Title 99, Business & Commerce Code, is amended by  
15 adding Chapter 2004 to read as follows:

16 CHAPTER 2004. INTRASTATE MANUFACTURE OF CERTAIN INCANDESCENT LIGHT  
17 BULBS

18 Sec. 2004.001. DEFINITIONS. In this chapter:

19 (1) "Generic and insignificant part" means an item  
20 that has manufacturing or consumer product applications other than  
21 inclusion in an incandescent light bulb.

22 (2) "Incandescent light bulb" means a standard  
23 incandescent or halogen light bulb that:

24 (A) is intended for general service  
25 applications;

26 (B) has a lumen range of not less than 310 lumens  
27 and not more than 2,600 lumens; and

1           (C) is capable of being operated at a voltage  
2 range at least partially within 110 and 130 volts.

3           Sec. 2004.002. MEANING OF "MANUFACTURED IN THIS STATE." For  
4 the purposes of this chapter, an incandescent light bulb is  
5 manufactured in this state if the item is manufactured:

6           (1) in this state from materials located in this  
7 state; and

8           (2) without the inclusion of any part imported from  
9 another state other than a generic and insignificant part.

10          Sec. 2004.003. NOT SUBJECT TO FEDERAL REGULATION. An  
11 incandescent light bulb that is manufactured in this state and  
12 remains in this state is not subject to federal law or federal  
13 regulation under the authority of the United States Congress to  
14 regulate interstate commerce.

15          Sec. 2004.004. MARKETING OF LIGHT BULBS. An incandescent  
16 light bulb manufactured and sold in this state must have the words  
17 "Made in Texas" clearly stamped on it.

18          Sec. 2004.005. ATTORNEY GENERAL. On written notification  
19 to the attorney general by a resident of this state of the  
20 resident's intent to manufacture an incandescent light bulb to  
21 which this chapter applies, the attorney general may seek a  
22 declaratory judgment from a federal district court in this state  
23 that this chapter is consistent with the United States  
24 Constitution.

25          SECTION 3. This Act applies only to an incandescent light  
26 bulb, as that term is defined by Section 2004.001, Business &  
27 Commerce Code, as added by this Act, that is manufactured on or

1 after the effective date of this Act.

2 SECTION 4. This Act takes effect January 1, 2012.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2510 was passed by the House on May 11, 2011, by the following vote: Yeas 142, Nays 3, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2510 was passed by the Senate on May 24, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor